

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

ROBERT L. ARNOLD,)
)
Plaintiff,)
)
vs.) Case No. 4:08CV1223 CDP
)
MICHAEL J. ASTRUE,)
Commissioner of Social Security,)
)
Defendant.)

MEMORANDUM AND ORDER

Plaintiff Robert Arnold moves for an award of attorney's fees and costs under the Equal Access to Justice Act, 28 U.S.C. § 2412, seeking fees in the amount of \$4496.00 and costs of \$350.00. Defendant has not objected to this motion, but requests that the attorney's fees be awarded under the Equal Access to Justice Act, and that the costs be awarded from the Judgement Fund administered by the United States Treasury.

On September 17, 2009, I remanded this case to defendant for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g). A claimant seeking judicial review of a final decision denying Social Security benefits may recover attorney's fees if he receives a sentence four remand. *See Shalala v. Shaefer*, 509 U.S. 292, 295-96 (1993). Because plaintiff prevailed and is not otherwise precluded from recovering attorney's fees, I find that he is entitled to an award in

the requested amount of \$4496.00. Additionally, I conclude that Arnold is entitled to costs in the amount of \$350.00

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for attorney's fees and costs [#16] is granted.

IT IS FURTHER ORDERED that defendant pay plaintiff attorney's fees in the amount of \$4496.00.

IT IS FURTHER ORDERED that plaintiff is to receive costs in the amount of \$350.00 from the Judgment Fund administered by the United States Treasury.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 30th day of December, 2009.